

REMARKS

This amendment is submitted prior to the first examination and action of the United States Patent and Trademark Office. The Drawings and Specification have been amended to correct typographical errors and/or inconsistencies between certain terms in the Specification and claims and to bring the Drawings into consistency with the Specification. The amendments to the Specification have been submitted herewith in redline for the Examiner's convenience. In addition, a clean copy of the Specification containing the requested amendments is submitted herewith. No substantive changes have been made in the application and such amendments do not introduce any new matter. Applicant respectfully requests that such amendments be entered into the record.

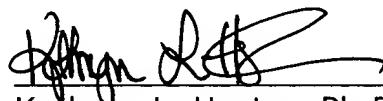
The claims pending in this application are amended claim 1 and newly added claims 38-41. Such claims are substantially similar to claims 1 and 38-44 of the parent application, US Serial No. 09/637,385. In the Final Office Action of the parent application, the Examiner rejected claims 1 and 38-45 under the judicially created doctrine of double patenting over claims 1-4 of US Patent No. 4,773,182 in view of Burton, Jr. et al and Antoon, Jr. since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent. Applicant respectfully traverses such rejection as applied to the pending claims of the subject application. US Patent No.

4,773,182 discloses a preformed flower pot cover, while the claims of the subject application recite methods of wrapping a floral grouping, food or fresh produce. Figures 12-15, 29 and 30 illustrate the methods of wrapping a floral grouping, food or fresh produce in accordance with the claims of the present invention. It is clearly evident from Figures 12-15, as well as independent claims 1 and 39 of the subject application, that the sheet of material is wrapped about a portion of both the bloom portion and the **stem portion** of the floral grouping, and as such the floral grouping is not disposed in a flower pot, and therefore the methods recited in the claims of the subject application could not be performed with the preformed flower pot cover recited in claims 1-4 of US Patent No. 4,773,182.

It is Applicant's belief that the inventive concept recited in the claims, as amended, are patentable over the art of record in the parent application and that such claims are necessary to afford Applicant with the degree of patent protection to which Applicant is entitled by law.

Should the Examiner have any questions or comments concerning the before-mentioned amendments to the application or any other matter, Applicant's agent will welcome the opportunity to discuss same with the Examiner.

Respectfully submitted,



Kathryn L. Hester, Ph.D.  
Registration No. 46,768  
DUNLAP, CODDING & ROGERS,

P.C.

9400 N. Broadway, Suite 420  
Oklahoma City, Oklahoma 73114  
(405) 478-5344

Agent for Applicant

**MARKED-UP VERSION OF THE CLAIMS SHOWING THE CHANGES****MADE THERETO**

1. (Once Amended) [An breathable packaging material] A method for wrapping a floral grouping, comprising the steps of:  
providing a sheet of material having an upper surface[,] and a lower surface, [and an outer periphery,] the sheet of material having controlled atmosphere characteristics, the sheet of material further comprising [both] a desiccant, [and] an antimicrobial agent and at least one of a bonding material and a non-fogging agent;  
providing a floral grouping comprising a bloom portion and a stem portion;  
wrapping the sheet of material about the floral grouping so as to provide a wrapper for the floral grouping wherein the wrapper covers at least a portion of the bloom portion of the floral grouping and a substantial portion of the stem portion of the floral grouping; and  
sealing the wrapper about the floral grouping such that the controlled atmosphere characteristics of the sheet of material from which the wrapper is constructed in combination with the desiccant, the antimicrobial agent and at least one of the bonding material and

the non-fogging agent provide both a prolongation of the  
freshness of the floral grouping and optimal visual display of the  
floral grouping disposed in the wrapper.